INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IV 2238125

Subject: **Ivan Moreno #[redacted] Deputy Sheriff**

Date: **January 24, 2009**

Location: **Mount Gleason Ave. and Foothill Blvd. Sunland, CA**
[redacted] Ellenbogen St. Sunland, CA
[redacted] Denivelle Rd. Sunland, CA

ALLEGATIONS

It is alleged that Subject Moreno, while off duty, and intoxicated, discharged his firearm from his moving vehicle. It is also alleged that Subject Moreno was uncooperative with Police Officers from the Los Angeles Police Department.

The potential Manual of Policy and Procedures Violations are: 3-01/030.05, General Behavior, 3-01/030.06, Disorderly Conduct, 3-01/030.10, Obedience to Laws, Regulations, and orders.

SYNOPSIS

On January 24, 2009, at approximately 2307 hours, the Los Angeles Police Department's Foothill Division received a call that a possible assault occurred in the area of Mount Gleason Avenue and Foothill Boulevard. The caller, a man by the name of [redacted] stated that he had observed a vehicle traveling at a high rate of speed, and an occupant of the vehicle shot at an unknown address. Mr. [redacted] described the vehicle as a brown "Infinity G35" four door sedan. He stated that the vehicle was last seen traveling "towards mountains from Mount Gleason Ave."

Several patrol officers responded to the scene and began searching the area for possible victims or suspects. At approximately 2325 hours, the Foothill division received another call of "shot fired." The caller, a man by the name of [redacted] stated that he had heard two shots, and heard an unknown vehicle leaving the area.

> **IAB Note:** Mobile Digital Printouts containing the incident details of the two calls are included in this case book. See **Exhibit I**. Area and neighborhood maps are also included. See **Exhibit G.**

Officers [redacted] and [redacted] (Witness [redacted] and Witenss [redacted] Unit 16X36 began searching the area of Denivelle Street, west of Mount Gleason Ave. As they traveled west on Denivelle Street, the officer's saw a dark colored sedan parked on the

south side of the street. As they passed the vehicle they saw two Hispanic males sitting inside the vehicle. They also observed that the vehicle was an "Infinity," thus fitting the description given by Mr. [redacted]

The officers conducted a U-turn and positioned their patrol vehicle behind the suspect's vehicle. Simultaneously, both passengers exited the vehicle, at which point the officers detained them at gunpoint. The officers ordered both men to get down on the ground, and they complied. The officers requested backup, and the two men were subsequently handcuffed and detained.

After placing the suspects, identified as Subject Moreno, and [redacted] (Witness [redacted] in separate patrol vehicles, Witnesses [redacted] and [redacted] inspected the vehicle. The officers saw that the vehicle contained a firearm (Heckler and Koch .45 Caliber Semi-Automatic Pistol, Serial Number [redacted] belonging to Subject Moreno) which was lying on the front passenger floor board. They also observed three spent .45 Caliber casings within the vehicle. One casing was found on the front passenger floor board, and one was found on the front passenger seat. The third casing was recovered from the right rear floor board. Two live rounds were found in Subject Moreno's firearm.

> **IAB Note:** The firearm, "Heckler and Koch USP .45 Caliber Pistol," (**Exhibit F, Pages 1 and 2**) has a nine round capacity. It holds eight rounds in the magazine, and one in the chamber.

The officers observed blood on the front seat, rear seat, and gear shift. There was also blood on the cloth around the vehicle's sunroof. Subject Moreno had blood on his pants, and a cut on his left palm. The handling officers determined that the firearm belonged to Subject Moreno. They attempted to speak with Subject Moreno, but he was verbally uncooperative, telling the officers "Fuck you," and other profanities.

While at the scene, another officer, Witness Officer [redacted] obtained a statement from Subject Moreno. Subject Moreno stated that Witness [redacted] was driving his vehicle, took possession of his firearm without permission, and discharged the weapon into the air. He further stated that he himself had not fired the gun. Witness [redacted] completed an "Investigative Action/Statement Form, and provided it to the handling officer, Witness [redacted] (**Exhibit A, Page 4.**)

> **IAB Note:** While at the scene the officers took photographs of Subject Moreno's vehicle, and his firearm. They subsequently took photographs of Subject Moreno and [redacted] See **Exhibit F**.

The officers arrested both individuals, and they were transported separately to the Foothill Division for booking. Officers [redacted] and [redacted] transported Subject Moreno. While being transported, Subject Moreno continued using profanities towards the officers. He also threatened them by saying, "Next time I'm going to fuck you up. I'm going to fuck you up and you too." Upon arriving to the station, the officers told Subject Moreno to exit the

vehicle. Subject Moreno told them, "Fuck you, you're going to have to pull me out." Subject Moreno eventually exited the vehicle, after being told to by the officers supervisor.

While at the station the officers conducted a Gunshot Residue (GSR) test on both suspects. They also obtained the suspects' Blood Alcohol Content utilizing the "Breathalyzer." Both suspects were then placed in the same interview room, where their conversation was surreptitiously recorded. While in the interview room, Subject Moreno made several statements regarding the incident, which caused the officers to form the opinion that Subject Moreno had discharged the firearm, and not Witness [redacted]

IAB Note: The "Analyzed Evidence Report," regarding the Gunshot Residue is included in this case book. The results were "inconclusive." See **Exhibit E**. Subject Moreno's Blood Alcohol Content results are also included in this case book. The results indicate that Subject Moreno's Blood Alcohol Content was .22. See **Exhibit D**. The Los Angeles Police Department provided the recorded conversation between Subject Moreno and Witness [redacted] A Compact Disc containing that recording is included in this case book. See **Exhibit H**. The recording is approximately 27 minutes long. At certain times it is difficult to discern what is being said by Subject Moreno and Witness [redacted] Portions of the recording were discussed with Subject Moreno during his interview with Internal Affairs Bureau Sergeant Carlos Flores and Scott Graham.

The officers subsequently booked Subject Moreno for "Discharging a firearm within city limits," in violation of Penal Code Section 246.3. Witness [redacted] was arrested for "Driving While Under Influence."

IAB Note: The officer's Arrest Reports are included in this case book. See **Exhibit's A and B.**

After his booking, Subject Moreno initiated a complaint against the arresting officers. Los Angeles Police Department Sergeant [redacted], interviewed Subject Moreno regarding his complaint. Subject Moreno complained that the officers failed to place the seat belt on him when he was arrested, which caused him to strike his nose on the police vehicle's plexiglass divider. He said the incident caused his nose to bleed. Sergeant [redacted] asked Subject Moreno regarding the blood found inside his (Subject Moreno's) vehicle, and Subject Moreno said he did not remember bleeding prior to his arrest. Subject Moreno admitted to being very intoxicated at the time of his arrest.

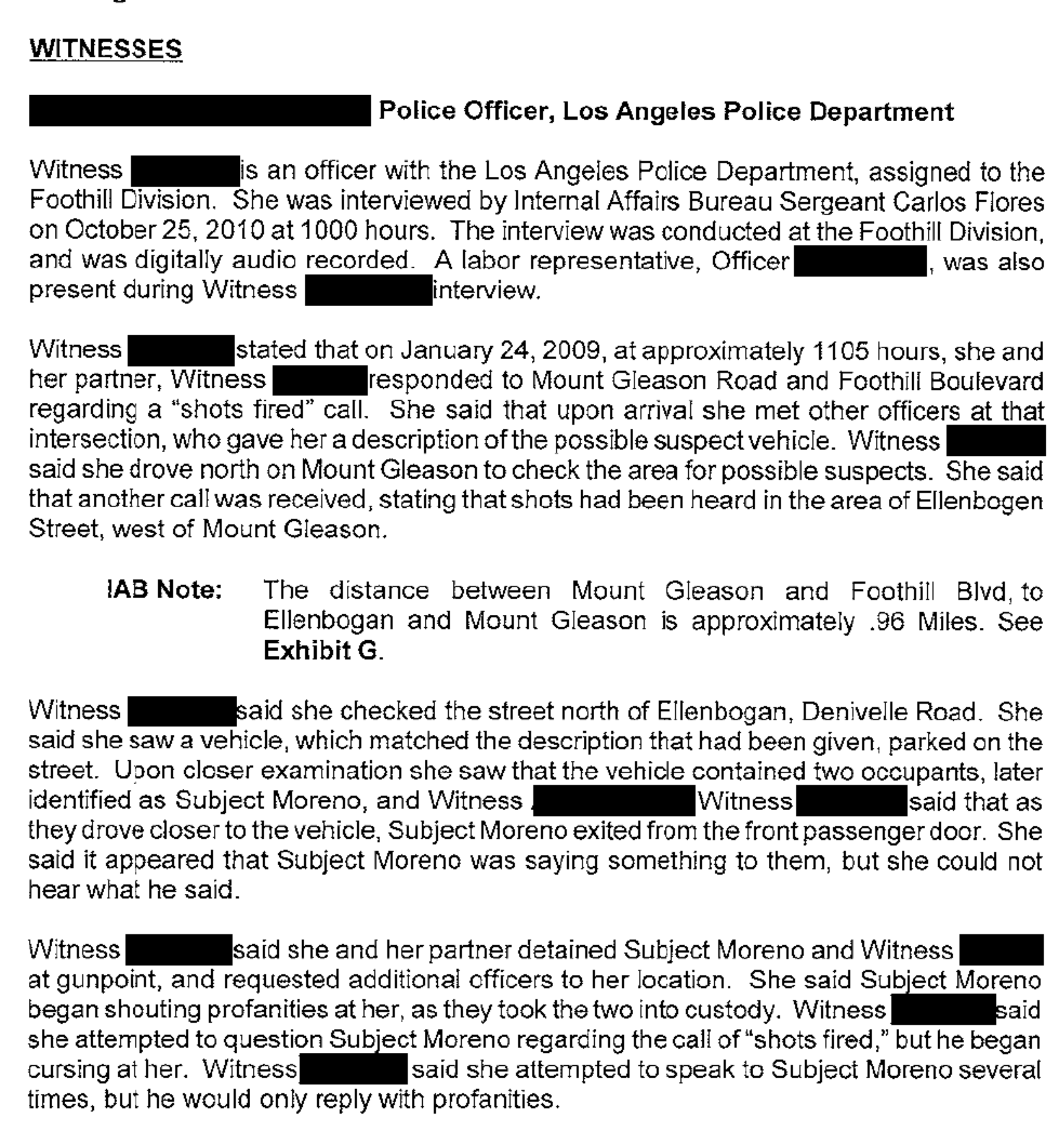
IAB Note: Sergeant [redacted] report, and recorded interview with Subject Moreno is included in this case book. See **Exhibit J**.

Foothill Division Detective, [redacted] (Witness [redacted] was assigned the case, and he conducted his investigation. He subsequently presented the case to the District Attorney's Justice System Integrity Division (JSID) for filing consideration. On October 7,

2010, the District Attorney's Office declined to file charges against Subject Moreno, citing "Insufficient Evidence" (**Exhibit K**).

The Internal Affairs Bureau was requested to complete an administrative investigation regarding the matter.

This is a summary based on statements given during audio recorded interviews by the subject and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.



WITNESSES

[redacted] Police Officer, Los Angeles Police Department

Witness [redacted] is an officer with the Los Angeles Police Department, assigned to the Foothill Division. She was interviewed by Internal Affairs Bureau Sergeant Carlos Flores on October 25, 2010 at 1000 hours. The interview was conducted at the Foothill Division, and was digitally audio recorded. A labor representative, Officer [redacted], was also present during Witness [redacted] interview.

Witness [redacted] stated that on January 24, 2009, at approximately 1105 hours, she and her partner, Witness [redacted] responded to Mount Gleason Road and Foothill Boulevard regarding a "shots fired" call. She said that upon arrival she met other officers at that intersection, who gave her a description of the possible suspect vehicle. Witness [redacted] said she drove north on Mount Gleason to check the area for possible suspects. She said that another call was received, stating that shots had been heard in the area of Ellenbogen Street, west of Mount Gleason.

> **IAB Note:** The distance between Mount Gleason and Foothill Blvd, to Ellenbogan and Mount Gleason is approximately .96 Miles. See **Exhibit G**.

Witness [redacted] said she checked the street north of Ellenbogan, Denivelle Road. She said she saw a vehicle, which matched the description that had been given, parked on the street. Upon closer examination she saw that the vehicle contained two occupants, later identified as Subject Moreno, and Witness [redacted] Witness [redacted] said that as they drove closer to the vehicle, Subject Moreno exited from the front passenger door. She said it appeared that Subject Moreno was saying something to them, but she could not hear what he said.

Witness [redacted] said she and her partner detained Subject Moreno and Witness [redacted] at gunpoint, and requested additional officers to her location. She said Subject Moreno began shouting profanities at her, as they took the two into custody. Witness [redacted] said she attempted to question Subject Moreno regarding the call of "shots fired," but he began cursing at her. Witness [redacted] said she attempted to speak to Subject Moreno several times, but he would only reply with profanities.

Witness [redacted] said she approached Subject Moreno's vehicle and observed a .45 Caliber firearm on the front floor board. She said she also saw three spent bullet casings, and several blood stains within the vehicle. She said that based on her observations, she arrested Subject Moreno for discharging a firearm within city limits. She additionally arrested Witness [redacted] for drunk driving.

Witness [redacted] said that she and her partner transported Subject Moreno to the station for booking. She said that while en route, Subject Moreno continuously threatened her and her partner by stating, "The next time I'm going to fuck you up." She said Subject Moreno threatened her several times, causing her to become concerned for her safety. Witness [redacted] said Subject Moreno did not identify himself as a peace officer until after they arrived at the station.

Witness [redacted] said that Subject Moreno and Witness [redacted] were placed in an interview room together, and their conversation was surreptitiously recorded (**Exhibit H**). She said that Subject Moreno said several things that strengthened her belief that it was Subject Moreno that had discharged the weapon, and not Witness [redacted]

Witness [redacted] said she authored an arrest report, detailing her investigation and the arrest of Subject Moreno (**Exhibit A**).

IAB Note: During her interview, Witness [redacted] was shown several photographs (**Exhibit F**). She identified the photographs and stated that she and her partner, Witness [redacted] had taken them during their investigation. An area map printout was also shown to Witness [redacted] She identified the location of the initial call for service and Subject Moreno's arrest. See **Exhibit G**.

For her complete statement, refer to Witness [redacted] interview transcript.

[redacted] Police Officer, Los Angeles Police Department

Witness [redacted] is a Los Angeles Police Officer, assigned to West Valley Division. He was interviewed by Internal Affairs Bureau Sergeant Carlos Flores, on October 28, 2010, at 1229 hours. The interview was conducted at the West Valley Division, and was digitally audio recorded. A labor representative, Sergeant [redacted], was also present during Witness [redacted] interview.

Witness [redacted] said that on January 24, 2009, he was assigned to the Foothill Division. Witness [redacted] said that he and his partner, Witness [redacted] responded to the area of Mount Gleason Avenue and Foothill Blvd. regarding a "shots fired" call. He said that they met other officers at that location, and obtained a description of the possible suspect's vehicle. He said they then drove north on Mount Gleason, and heard an additional call of shots fired in the area of Ellenbogen Street. Witness [redacted] said they checked the area

of Denivelle Road, where they located a parked vehicle matching the given description.

Witness [redacted] said that as they passed the vehicle they saw that it contained two passengers, who were beginning to exit. He said they conducted a U-Turn, detained the two individuals at gunpoint, and requested backup via radio. Witness [redacted] said that the two suspects (identified as Subject Moreno and Witness [redacted] were handcuffed and placed in patrol vehicles. He said that immediately upon contacting the suspects, Subject Moreno became verbally abusive, saying, "Fuck you" and other profanities towards them.

Witness [redacted] said that he inspected the interior of Subject Moreno's vehicle and saw a firearm and spent casings. He said he also saw blood stains inside the vehicle, and on Subject Moreno's clothing. Witness [redacted] said he was not present when his partner attempted to speak to Subject Moreno, nor did he see other officers talking to him.

Witness [redacted] said that he and Witness [redacted] transported Subject Moreno to the Foothill Division for booking. He said Subject Moreno continued being verbally abusive, expressing profanities towards them, and even threatening them. He said that upon arrival to the station, Subject Moreno refused to step out of the vehicle, stating, "Fuck you, you're going to have to pull me out." Witness [redacted] said Subject Moreno eventually exited the vehicle, but only after a supervisor ordered him.

Witness [redacted] said Subject Moreno was subsequently booked for discharging a firearm within city limits. He said that during his booking, Subject Moreno apologized for his behavior, stating that he was just very upset. Witness [redacted] said this incident was his partners "handle," and she authored the arrest report (**Exhibit A**). He said the arrest report is an accurate account of what transpired during their contact with Subject Moreno.

IAB Note: During his interview Witness [redacted] was shown printed photographs (**Exhibit F**) of Subject Moreno, his firearm, and his vehicle. Witness [redacted] stated that he and Witness [redacted] had taken those photographs during their investigation.

For Witness [redacted] complete statement, refer to his interview transcript.

[redacted], Police Officer, Los Angeles Police Department

Witness [redacted] is a Los Angeles Police Officer, assigned to Commission Investigation Division. He was interviewed by Internal Affairs Bureau Sergeant Carlos Flores, on October 27, 2010, at 1020 hours. The interview was conducted at the Los Angeles Police Department's Headquarters Building, and was digitally audio recorded.

Witness [redacted] stated that in January of 2009, he was assigned as a station detective at the Foothill Division. He said that on the morning of January 25, 2009, he was assigned the case involving Subject Moreno. Witness [redacted] said he spoke with the handling officers who told him what had occurred. He said they also told him about Subject Moreno's behavior

during their contact with him. Witness [redacted] said he obtained the officer's reports (**Exhibit A**), and examined the booked evidence, including the photographs (**Exhibit F**). He said he also reviewed the recorded conversation between Subject Moreno and Witness [redacted] (**Exhibit H**).

Witness [redacted] said that when he was assigned the case, Subject Moreno had already been released from custody. He said he never interviewed Subject Moreno. Witness [redacted] said he later conducted an interview with Witness [redacted] He said Witness [redacted] was not very cooperative. He said Witness [redacted] told him he was driving Subject Moreno's vehicle due to Subject Moreno being intoxicated. He also told him that he (Witness [redacted] did not discharge any firearm into the air. Witness [redacted] said Witness [redacted] additionally told him that he did not observe Subject Moreno fire the weapon, nor did he hear any gunshots while driving Subject Moreno's vehicle. Witness [redacted] said Witness [redacted] told him he did not know how Subject Moreno sustained the injury to his hand and face.

Witness [redacted] stated that at the conclusion of his investigation, he agreed with the patrol officer's assessment that Subject Moreno had discharged the firearm into the air. He additionally said it was very possible that both Subject Moreno and Witness [redacted] had discharged the firearm. Witness [redacted] said he completed his Follow-Up Investigation Report and submitted the case to the city attorney for filing consideration. He said the case was eventually submitted to JSID.

IAB Note: A copy of Witness [redacted] Follow-Up Investigation Report is included in this case book. See **Exhibit C**.

For Witness [redacted] complete statement, refer to his interview transcript.

[redacted], Police Officer, Los Angeles Police Department

Witness [redacted] is a Los Angeles Police Officer, assigned to Foothill Division. He was interviewed by Internal Affairs Bureau Sergeant Carlos Flores, on November 9, 2010, at 0915 hours. The interview was conducted at the Foothill Division, and was digitally audio recorded. A labor representative, Sergeant [redacted], was also present during Witness [redacted] interview. Witness [redacted] said he grew up in the same neighborhood with Subject Moreno, and has known him for several years.

Witness [redacted] said that on January 24, 2009 he received a call of "Shots Fired" in the area of Mt. Gleason Avenue and Foothill Boulevard. He said he responded and talked to the informant, who told him that he had seen the occupant of a brown "Infinity" discharge a firearm while traveling north on Mt. Gleason Avenue.

Witness [redacted] said that a short time later they received an additional call of "Shot Fired." He said he then heard Witness Officers [redacted] and [redacted] requesting backup due to the fact that they were detaining possible suspects. Witness [redacted] said he responded to their location and observed two suspects on the ground. He said that when he exited his patrol

vehicle, he recognized one of the proned suspects as Subject Moreno.

Witness [redacted] said that Subject Moreno was belligerent, uncooperative, and using profanity towards the officers on scene. He said he could not remember exactly what Subject Moreno was saying, but remembers that he (Subject Moreno) was using profanity. Witness [redacted] said Subject Moreno was handcuffed and placed in one of the patrol vehicles.

Witness [redacted] said he approached Subject Moreno and asked him what happened. He said Subject Moreno made a statement to him regarding what had occurred, and he (Witness [redacted] later documented the statement on a Investigative Action Statement Form (**Exhibit A, Page 4**). Witness [redacted] said his report is an accurate account of his conversation with Subject Moreno. Witness [redacted] said Subject Moreno continued to be belligerent and uncooperative during the time he was questioning him.

Witness [redacted] said he did not say anything else to Subject Moreno beyond asking him what had occurred. He said Moreno did not provide any additional information beyond what is documented in his (Witness [redacted]) report.

For Witness [redacted] complete statement, refer to his interview transcript.

[redacted]

Witness [redacted] is a 28 year old Hispanic Male. He was with Subject Moreno on January 24, 2009, and was also detained and arrested by officers from the Los Angeles Police Department. Witness [redacted] was telephonically interviewed by Internal Affairs Bureau Sergeant Carlos Flores on November 9, 2010, at 0815 hours. The interview was digitally audio recorded.

IAB Note: Upon initial contact with Witness [redacted] he advised Internal Affairs Bureau Sergeant Flores that he did not want to be involved in the administrative investigation. He eventually agreed to an interview and a telephonic interview was scheduled for Monday, November 8, 2010, at 1200 hours. On that day, Witness [redacted] did not answer his phone, and messages were left on his voice mail. On November 9, 2010 at 0815, he telephonically contacted Sergeant Flores and the interview was conducted.

Witness [redacted] stated that on January 24, 2009, he and Subject Moreno went to a concert in the "L.A. Live" area of Los Angeles. He said that after the concert he drove Subject Moreno's vehicle to a "Jack in the Box" in Sunland. He said he is not sure how intoxicated Subject Moreno was, but he (Witness [redacted] was also intoxicated.

Witness [redacted] said that after buying their food, he began driving back to Subject Moreno's home. He said that while in the canyon area, Subject Moreno asked him to pull the car over, and he complied. Witness [redacted] said he thought Subject Moreno needed

to use the bathroom. Witness [redacted] said he saw Subject Moreno exit the vehicle, but he was eating his food, and not paying attention to what Subject Moreno was doing.

Witness [redacted] said he then heard a gunshot, and he too exited the vehicle. Witness [redacted] said he heard a total of three gunshots, and saw Subject Moreno shooting at some cans that were on the ground. He said Subject Moreno then asked him to help him find the casings so "he won't leave a mess." Subject [redacted] said that while at the canyon, Subject Moreno advised him that he had cut the palm of his hand on one of the cans.

Witness [redacted] said they found the three casings, and he then drove back to Subject Moreno's home. Witness [redacted] said he does not know if Subject Moreno fired the firearm from within the car. He said he (Witness [redacted] was eating his food and talking on his cell phone, not paying attention to what Subject Moreno was doing.

Witness [redacted] said that they arrived to Subject Moreno's home, and finished eating inside the vehicle. He said that as they exited the vehicle they were detained by officers. Witness [redacted] said that Subject Moreno was cooperative with the officers, but asked them why they were using "excessive force." He said he then heard some profanity from Subject Moreno, but does not remember exactly what he said. He said he and Subject Moreno were then placed in separate patrol vehicles.

Witness [redacted] said he and Subject Moreno were placed inside a room at the Foothill Division. He said he does not remember Subject Moreno telling him to say he (Witness [redacted] had fired the firearm. He also said he does not remember telling Subject Moreno not to say anything to the officers. Witness [redacted] said he later briefly spoke to a detective, but that everything he was telling the detective, he "was just kept trying to twist it around, trying to make me like if I'm lying or something and, which is, that's why I was like, you know what, I can't talk to you, I'm at work." Witness [redacted] said he did not tell the detective or any other officer about stopping off at the canyon, and Subject Moreno discharging the firearm.

For his complete statement, refer to Witness [redacted] interview transcript.

Review of Recorded Conversation

Shortly after their arrest, Subject Moreno and [redacted] were placed in an interview room within Foothill Division. Their conversation was surreptitiously recorded and utilized as evidence in the criminal case. The Los Angeles Police Department provided a copy of that recording to the Los Angeles Sheriff's Department (**Exhibit H**).

Internal Affairs Bureau Sergeant Carlos Flores reviewed the recording during the course of the Administrative Investigation. In the recording Subject Moreno and [redacted] can be he heard engaged in conversation, both in Spanish and English. Subject Moreno repeatedly states that he is going to "sue" the Los Angeles Police Department, and that they mistreated him during his arrest. At certain times it is difficult to discern what is being said by Subject Moreno and Witness [redacted]

IAB Note: A Compact Disc, containing the recorded conversation is included in this case book. Portions of the recording were discussed with Subject Moreno during his interview with Internal Affairs Bureau Investigators.

SUBJECT INTERVIEW

Subject Moreno was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Scott Graham on November 4, 2010, at 1010 hours. The interview was conducted at the Internal Affairs Bureau, and was Digitally audio recorded. Subject Moreno was represented by Attorney Liz Gibbons.

Subject Moreno said that on January 24, 2009, he and Witness [redacted] attended a concert at the Nokia Theater in Los Angeles He said that during the concert he and Witness [redacted] drank several alcoholic beverages. He said that after the concert they decided that Witness [redacted] should drive Subject Moreno's vehicle, due to Subject Moreno's intoxication.

Subject Moreno said that they arrived to his home approximately 25 minutes after leaving the concert venue. He said they then decided to go and buy something to eat. Subject Moreno said that as they drove to the restaurant, they drove up "Big Tujunga Canyon," and parked for a while. He said that he retrieved several empty beer cans from his trunk, and set them on ground. Subject Moreno said he then shot three times at the beer cans, utilizing his firearm.

Subject Moreno said that after firing three rounds, he realized it was too dark, and decided not to fire any more rounds. He said he picked up the spent casings and threw them into the interior of his vehicle. He said he cut the palm of his hand while shooting his gun. He said he was not holding the gun correctly, and the weapon's slide caused the injury. Subject Moreno said they then proceeded to the "Jack in the Box" to buy something to eat.

Subject Moreno said they arrived back home and ate and talked inside his vehicle. He said that as he and Witness [redacted] exited the vehicle, two police officers from the Los Angeles Police Department arrived and detained them at gunpoint. He said they subsequently handcuffed them. Subject Moreno said he was completely cooperative with the police officers, and did not say "Fuck you" or direct other obscenities at them.

Subject Moreno said he did not talk to the officers because he did not think it was wise to do so without an attorney. He said he did not discharge his weapon from inside his vehicle, neither did Witness [redacted] Subject Moreno said he did not have an explanation as to why the officers found only two live rounds in his firearm. Subject Moreno said he recognized Witness Officer [redacted] at the scene, and briefly spoke to him at the scene, but could not remember their entire conversation. Subject Moreno said that the information contained in Witness [redacted] report (**Exhibit A, Page 4**) is "incorrect."

For his complete statement, see Subject Moreno's interview transcript.

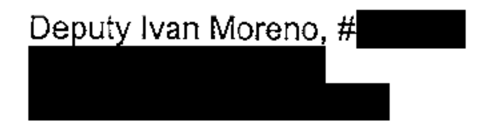


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 14, 2011



Deputy Ivan Moreno, #[redacted]
[redacted]

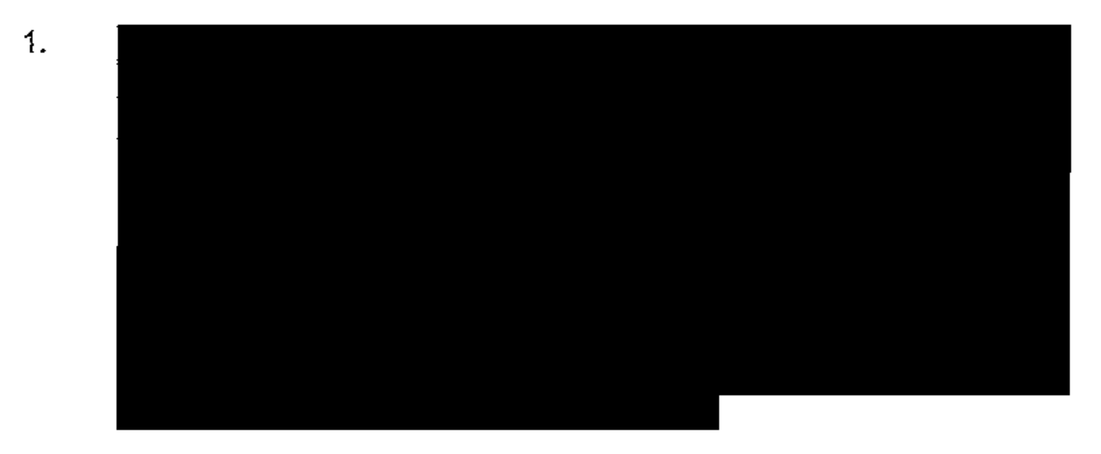
Dear Deputy Moreno:

On March 9, 2011, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2238125. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on April 12, 2011.

An investigation under File Number IAB 2238125, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. 
[redacted]



2. [redacted]

[redacted] [redacted]

[redacted] [redacted]

[redacted] [redacted]

[redacted] [redacted]

[redacted]

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about November 4, 2010, during your subject interview, you made false and/or misleading statements to investigators, including but not limited to:

   a) that it was not your firearm that was discharged from the area of Mt. Gleason and Foothill Boulevard, and/or;

   b) that you did not use profanity and/or direct any obscenities toward the officers, and/or;

   c) that you did not make the statement, "The next time I'm going to fuck you up and you too," and/or;

   d) that when the officers asked you to step out of their vehicle, you did not say to the officers, "Fuck you, you're going to have to pull me out," and/or;

   e) that you did not discharge your firearm from inside the car through the sunroof of the vehicle, and/or;

   f) that you did not tell the LAPD officer that your friend [redacted] shot off some rounds through the sunroof of your vehicle, and/or;

   g) that LAPD's report was factually inaccurate.

4. [redacted]



Even given your version of events concerning this incident, that you drove to the Big Tujunga Canyon on January 24, 2009, and fired your off-duty weapon at some beer cans in a remote area of the canyon, your conduct warrants termination of your employment with

the Los Angeles County Sheriff's Department, as evidenced by, but not limited to, the following sections of the Manual of Policy and Procedures:

1. [redacted]

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

PAUL K. TANAKA
ASSISTANT SHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

PKT:RAA:JMG:jp

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Henry M. Romero, Captain, East Los Angeles Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration